

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

VANTAGE FINANCIAL SERVICES, INC.
Plaintiff,

v.

NONPROFIT SERVICE GROUP AND
GEORGE E. MILLER,
Defendants.

C.A. No. 04-11686-WGY

**PLAINTIFF'S AMENDED OBJECTIONS TO
DEFENDANTS' PROPOSED TRIAL EXHIBITS**

Service of this Amended Objections to Defendants' Proposed Trial Exhibits is necessitated by the fact that Defendants served a supplemental list of proposed Exhibits on January 25 that contained additional exhibits and that also substituted certain documents for others in Defendants' original list of proposed exhibits as contained in the Joint Pretrial Memorandum. While Defendants disclosed in an email accompanying the new list that they had "corrected some typos" and added one exhibit (Exhibit 152) they failed to disclose either that they had actually added all of the additional exhibits from numbers 114 through 151, inclusive, and that they had substituted different documents for numbers 70, 81, 84, 85, 87, 101 and 111 on their original list. The substitution of different documents for those originally designated was not discovered until Plaintiff's paralegal assistant, Kristina Chapman, compared all of the documents on Defendants' supplementary list with those originally listed in the Joint Pretrial Memorandum. As well as objecting to the substituted documents themselves, Plaintiff respectfully takes

exception to the attempt to insert new and different proposed exhibits into Defendants' exhibits list without informing Plaintiff's counsel of that fact.

Pursuant to Paragraph 11 of the Court's Procedural Order dated November 1, 2005, as modified by the Court's orders at the Final Pretrial Conference of November 14, 2005 (indicating that specification of the grounds for objections is unnecessary, except with respect to objections based upon authenticity), Plaintiff submits the following list of exhibits to which he objects, following the numbers set forth in the list of Defendants' Proposed Exhibits appearing on pages 22 through 28, inclusive of the parties' Joint Pretrial Memorandum.

1. Objected to on grounds other than authenticity: Proposed Exhibits 1, 22, 23, 24, 26, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 77, 78, 79, 81 (except as to the portions of the transcript dealing expressly with Shriners, to which there is no objection), 82, 83, 84, 85 (except for Fleisher dep exhibits, 1 and 2), 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113 and 114-152 inclusive which are objected to on the additional specific ground that they were not included in the Defendants' Proposed Exhibits required, pursuant to the Pretrial Order, to be submitted as a part of the Joint Pretrial Memorandum and are therefore designated to late for offer at trial.

2. Objected to, lack of foundation as to authenticity: 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 44, 45, 46, 47, 48, 57, 82, 83, 84, 100, 105, 109, 110, 111, 112, 113.

VANTAGE FINANCIAL SERVICES, INC.

By its Attorneys,



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